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REMARKS

The Action maintains that the application contains claims directed to patentably distinct species and that applicants must elect one of these species. The Examiner requires that applicants elect one containment configuration (chosen from Figure 3, Figure 6, Figure 10 and Figure 14) and one design (chosen from monoblock, two-component, three-component and five-component).

After a telephone conversation with the Examiner, Applicants remained unclear as to which features of the containment configurations rendered them patentably distinct species and, thus, required differing search strategies. Applicants thus assume that Figure 3 is directed towards an embodiment having a D-shaped web, Figure 6 is directed towards an embodiment having a curved-edge web, Figure 10 is directed towards an embodiment in which the implant stem head extends beyond the opening of the implant structural member and Figure 14 is directed towards an embodiment which includes 2 webs.

Accordingly, Applicants hereby elect with traverse to prosecute the invention of containment configuration 1 (D-shaped web) and design C (three-component). Claims 1-3, 5-12, 14-23, 25-34, 36-50, 80-84 and 86-93 are directed to the elected invention. Applicants note that upon prosecution of withdrawn claims 52-59 those claims will be amended to correct their dependency such that their correct dependency (from claim 51) will be provided.

The Examiner has failed to show that a different filed of search would be required for the containment configurations and designs and, for at least this reason, has failed to

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establish sufficient cause for requiring the election. *See* MPEP 808.02. In fact, examination of all of the containment configures and designs would require the same field of search. A patentability search for all of the embodiments disclosed by the containment configurations and designs would be virtually identical to that currently undertaken. Thus, examination of all of the species would impose no undue burden on the Examiner, and election for examination purposes is improper. Applicants respectfully request withdrawal of the election requirement and examination of all of the species on the merits.

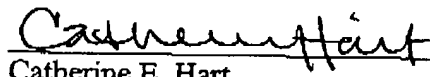
Moreover, should the Examiner's search fail to uncover prior art applicable to the elected species, Applicants assume that the Examiner will expand the scope of his search to cover the non-elected species.

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CONCLUSION

Applicants' Assignee believes that no additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account 11-0855.

Respectfully submitted,



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